

REMARKS

The Office Action mailed February 8, 2008 has been carefully considered the following is responsive thereto.

Election/Restriction

The Examiner restricted the claims under 35 USC 121 into the following groups:

Group I: Claims 1-28, drawn to a homogeneous, thermoreversible gel comprising carrageenan;

Group II: Claims 29-34, drawn to soft capsules;

Group III: Claims 35-37, drawn to a process for making gels;

Group IV: Claims 38-42, drawn to a process for making soft capsules;

Group V: Claims 43, drawn to a process for lowering the gelling temperature of a composition; and

Group VI: Claims 44 and 45, drawn to a delivery system.

Additionally, Applicants were required under 35 USC 121 to elect one of the following species for prosecution on the merits: (a) iota carrageenan, (b) kappa carrageenan, or (c) kappa-2 carrageenan.

Applicants hereby provisionally elect for prosecution with traverse Group I (Claims 1-28) and (c) kappa-2 carrageenan as the species. Claims 1-2 and 5-45 read on the elected species.

Applicants respectfully request withdrawal of the restriction requirement and the election of species.

According to 37 CFR 1.142(a) and section 811 of the MPEP, a restriction requirement will normally be made before any action upon the merits; however, it may be made at any time before final action. Additionally, before making a restriction requirement after the first action on the merits, section 811 instructs the examiner to consider whether there will be a serious burden if restriction is not required.

Applicants submit that it would not be a serious burden on the Examiner to examine claims 1-45 in the present application. Claims 1-45 in the present application have already received two Office Actions on the merits (the first mailed March 6, 2006; the second mailed November 1, 2006). Claims 1-45 were also discussed during the interview with Applicants'

representative Paul Fair and Examiners Leigh Maier and Everett White on October 17, 2007. Applicants filed a Request for Continued Examination (RCE) on November 1, 2007. No claims were canceled or amended in the RCE. The instant Office Action is the first Office Action issued after filing of the RCE.

Prior to filing of the RCE, the present application received two Office Actions on the merits in which all of the claims, claims 1-45, were considered. It would therefore not be a serious burden on the Examiner to continue examination of the same claims 1-45 in the present application, especially since the Examiner has provided no evidence of a serious burden if all claims are examined in the present application.

An early and favorable Office Action on the merits is requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 10884-00025-US from which the undersigned is authorized to draw.

Dated: *March 10, 2008*

Respectfully submitted,

By *Liza D. Hohenschutz*
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